

SUPERIOR COURT
OF THE
STATE OF DELAWARE

RICHARD F. STOKES
JUDGE

1 THE CIRCLE, SUITE 2
SUSSEX COUNTY COURTHOUSE
GEORGETOWN, DE 19947

August 31, 2010

7-Eleven
c/o Kelly Abdelrahman
502 Rehoboth Avenue
Rehoboth, DE 19971

Ayman S. Azem
1413 Savannah Road
Lewes, DE 19958

RE: *Ayman S. Azem v. 7-Eleven*
C.A No. SO9A-12-006 RFS

Dear Mr. Azem and Ms. Abdelrahman:

Pending before me is Claimant Ayman S. Azem's *pro se* appeal of a decision of the Unemployment Insurance Appeal Board ("Board") denying his claim for unemployment benefits. Claimant argues that he is entitled to benefits because he did not voluntarily quit his job at 7-Eleven. Employer 7-Eleven rests on the record below. The Court's role is to determine whether the Board's decision is free from errors of law and whether the Board's factual findings are supported by substantial record evidence.¹ The Claims Deputy found that Claimant left work voluntarily without good cause and was therefore disqualified from receiving benefits. The Appeals Referee reversed that decision, finding that Employer discharged Claimant without just cause, therefore qualifying him to receive benefits. The Board reversed the Referee's decision, finding that Claimant left work voluntarily without good cause, thus disqualifying him from receiving benefits.

¹*Lewis v. New Castle County Board of Adjustment*, 601 A.2d 1048 (Del. Super. Ct. 1989).

The Board based its decision on the record from the Referee's hearing, as well as on the testimony presented at the Board hearing. Ismail Albarea, manager of the 7-Eleven store in Rehoboth Beach where Claimant worked, testified that Claimant quit his job because Employer was unable to accommodate Claimant's request for shorter hours, which would have enabled him to work a second job at a taxi company. The Board accepted this testimony as credible and found that Claimant voluntarily quit his job without good cause. This Court does not revisit credibility decisions made by the Board.² The Board's factual findings are supported by substantial record evidence in the form of the testimony from Mr. Albarea. The Board's decision is therefore **AFFIRMED**.

IT IS SO ORDERED.

Very truly yours,

Richard F. Stokes

cc: Prothonotary

²*Johnson v. Chrysler Corp.*, 213 A.2d 64 (Del. 1965).